

REGULATION

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Authority:	Regulations are issued by the State Personnel Director under authority granted in the Michigan Constitution and the Michigan Civil Service Commission Rules. Regulations are subordinate to the Commission Rules.		
Subject:	Return-To-Work Trial Appointments		

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1. PURPOSE

~~Employee Health Management, Office of the State Employer, coordinates t~~The statewide return-to-work (RTW) program. ~~Its goal is to return assists~~ employees to work who have been idled due to illness or injury and ~~are currently~~ receiving benefits from Workers' Compensation, ~~or~~ Long-term Disability (LTD), or Disability Retirement benefits in their return to active state employment. ~~The injury or illness may or may not qualify as a disability under applicable law.~~ The Office of the State Employer coordinates the program and each state agency has a case manager who works with RTW employees to locate potential vacancies and seek placements.

Civil Service provides support to the program by assisting appointing authorities ~~with returning employees to state employment.~~ This is accomplished for RTW candidates ~~by in~~ determining ~~their RTW employees'~~ qualifications, evaluating them via an appraisal process, placing their names in applicant pools maintained by Civil Service, and authorizing approved appointment transactions to facilitate their return.

~~Most employees on benefit programs return to work to their previous positions. Occasionally this is not possible, due to medical, physical, or other restrictions. Each~~

~~state agency has a case manager who works with RTW candidates to locate potential vacancies and seek placements. If the case manager is unable to return an employee to his or her previous position, the case manager looks for other employment opportunities.~~

~~Sometimes a case manager, working with hiring managers, may identify a position with duties the RTW candidate may be able to perform, but for which the candidate does not possess all of the required minimum education and experience. The RTW candidate cannot be appointed to the position through the regular certification process, because the candidate does not possess the exact education and experience requirements for the classification. However, the appointing authority may obtain authorization for a RTW trial appointment to the position, in accordance with the standards of this regulation.~~

~~The RTW trial appointment is the period of time in which the employee demonstrates an ability to perform the essential functions of the job. For full-time employment, the trial appointment period is typically 12 months. Successful completion of the trial appointment demonstrates possession of the minimum requirements for the classification. The appointing authority may discontinue the appointment during the trial appointment period. The employee may then return to the benefit program, subject to the program's eligibility requirements, if no other viable position is available for placement of the employee. Successful completion of the trial appointment period is essential for continuing employment.~~

This regulation provides the standards and procedures for the ~~trial~~-RTW appointment process.

2. **CIVIL SERVICE COMMISSION RULE REFERENCE**

Note: This Section 2 reprints only selected Commission Rules for quick reference by the reader. Additional Rules (that are not reprinted below) may apply. The complete, current version of the Rules can be found at www.michigan.gov/mdcs.

Rule 3-2 Applicant Pools and Recall Lists

3-2.1 Applicant Pool

Civil service staff may establish and maintain applicant pools. Applicant pools may be divided by geographic area, organizational unit, occupational specialty, type of appointment, or other criteria. The state personnel director shall issue regulations for the duration and use of applicant pools. A person's eligibility to remain in an applicant pool or to be referred for a position is determined under the civil service rules and regulations in effect at the time the employee's name is referred to an appointing authority.

* * *

Rule 3-3 Appointments and Job Changes

3-3.1 Process

All appointments, promotions, and job changes in the classified service must be made in accordance with the civil service rules and regulations. Any person appointed or

promoted must be certified as qualified in accordance with and subject to the civil service rules and regulations. The state personnel director shall administer the certification of all appointments and promotions.

* * *

3. DEFINITION

A. Definition as used in this Regulation

1. **Trial Work Experience** means the period of time in which an employee is assigned the duties of a position, different from those performed prior to being placed on Workers' Compensation or LTD, and demonstrates the ability to perform the essential job functions. The Trial Work Experience is part of the program administered by the Office of the State Employer which assists appointing authorities in returning employees from Workers' Compensation or LTD.

3.4. STANDARDS

- ~~A. Civil Service may approve a~~An employee must currently be receiving Workers' Compensation or LTD benefits to be eligible for a RTW trial appointment ~~only after recall lists are cleared and after any applicable collective bargaining agreement obligations are satisfied.~~
- ~~B. Appointing authorities are to comply with any executive orders or directives in place that are applicable to their agency before creating a new position or filling a new or vacant position.~~
- ~~C. Appointing authorities can request a RTW appointment only when recall lists are cleared and any applicable collective bargaining agreement obligations are satisfied.~~
- ~~D. Trial Work Experience in a classification typically requiring a Civil Service examination may serve as an alternative appraisal process for an approved appointment. In this situation, the employee will not receive a HRMN ZP22 AP22 Certification Code for the classification nor be placed in an applicant pool.~~
- ~~BE. A request~~Request for a RTW ~~trial~~ appointment must be submitted ~~on along with~~ a Request for Credential Review form (CS-153) and ~~Approved Employee Action form (CS-1672)~~ and include the following:
 1. An indication that the request is for ~~purposes of executing~~ a RTW ~~trial~~ appointment.
 2. An ~~statement~~authorization from the Disability Management Program that the appointing authority considers the candidate~~employee~~ capable of performing the duties adequately, while learning the job, at the onset of the RTW ~~has successfully completed a t~~Trial appointmentWork Experience of at least six months.

3. A current employment history.
4. A completed application or resumé.
5. Copies of relevant transcripts, certificates, or listings of training programs completed.

F. Civil Service will review and determine the employee's qualifications prior to appointment to a position. Trial Work Experience may be considered to determine the qualifications.

~~CG.~~ The appointing authority must receive approval from Civil Service before making the an appointment.

~~D. The candidate must be receiving workers' compensation, long-term disability, or disability retirement benefits when the request for a RTW trial appointment is made.~~

~~E. The candidate must possess some, but not necessarily all, of the minimum education and experience requirements of the classification at the time of the appointment. The experience gained during the trial appointment must be able to substitute for the remainder of the minimum requirements in order for Civil Service to approve the trial appointment.~~

~~F. The trial appointment also serves as a substitute for an appraisal process, if one is typically required for the classification.~~

H. Certification of Appointment.

1. A requisition using PA42.1 in the Human Resources Management Network (HRMN) must be created.

2. The appointment is certified by completing the Requisition Applicant Form (XP43.1) in HRMN. The "Date" field on this form will be used to enter the date of the appointment. The "Applicant" field on this form will be used to enter the date of the credential review for all sources except RECALL and UAW TXFR. For these sources, enter the date of the Recall or UAW Transfer Report in this field. The "Hire Source" is Civil Service Credential Review. When making the appointment for tested classifications, select "Approved Appointment."

~~GI.~~ The employee must satisfactorily complete the a trial appointment probationary period as a condition of continuing employment. ~~The appointing authority may discontinue the appointment during the trial appointment period. The employee may then return to the benefit program, subject to the program's eligibility criteria, if no other viable position is available for placement of the employee.~~

J. If the employee's performance is determined to be unsatisfactory, the employee may then return to the benefit program, subject to the program's eligibility criteria, if no other viable position is available for placement of the employee.

~~HK.~~ An employee affected by a reduction in force during from a RTW ~~trial~~ appointment ~~working test period~~ has bumping rights in accordance with applicable collective

bargaining agreements or Civil Service rules. If there are no other positions into which the employee may bump, the employee may be returned to the benefit program, subject to the program's eligibility criteria.

~~I. There is no limit to the number of RTW trial appointments for either appointing authorities or individuals.~~

~~JL.~~ Employees eligible for the RTW ~~trial~~ appointment process must comply with the state's drug and alcohol testing policy in accordance with regulation 2.07 [Drug Testing], 2.08 [Alcohol Testing], and 2.09 [Drug and Alcohol Testing Self-Reporting] if the appointment is to a drug tested designated position.

M. Any appeal rights will be in accordance with regulation 8.02 [Technical Classification and Qualification Complaints].

4.5. PROCEDURE

Responsibility	Action
Candidate <u>Employee or Case Manager</u>	<u>1.</u> Provides appointing authority with documentation of ability to work but not in the former position.
Appointing Authority <u>or Case Manager</u>	<u>2.</u> Identifies a potential position for a RTW trial appointment.
Appointing Authority	<u>3.</u> Submits a Request for Credential Review <u>Form (CS-153) and Approved Employee Action form (CS-1672)</u> with required documentation to the agency liaison <u>Civil Service</u> .
Civil Service Agency Liaison	<u>4.</u> Reviews the request and determines if it satisfies the standards for approval. Indicates approval or disapproval and returns the request. <u>Retains a copy of the CS-153 and enters applicable information into Applicant Tracker.</u>
Appointing Authority	<u>5.</u> Appoints the candidate in accordance with Civil Service rules and regulations.

CONTACT

Questions regarding this regulation should be directed to Classifications and Selections, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone, at 517-373-3030 or 1-800-788-1766; or by e-mail to MDCS-BHRS@michigan.gov.